

**THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION**

**In Re:** § **Case No. 21-60052-CML**  
**SCOTT VINCENT VAN DYKE** §  
  
**Debtor(s)** § **Chapter 7**

**BUILDERS WEST, INC.'S JOINDER IN CHAPTER 7  
TRUSTEE'S SECOND MOTION FOR EXTENSION OF  
TIME TO OBJECT TO DISCHARGE**

[Relates to Doc. No. 190]

**This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.**

**Represented parties should act through their attorney.**

COMES NOW Builders West, Inc. (“Builders West”), a creditor in the above-referenced bankruptcy case (the “Case”), files this *Joinder in the Chapter 7 Trustee’s Second Motion for Extension of Time to Object to Discharge* (hereinafter, the “*Joinder*”), and in support respectfully represents:

1. Pursuant to Federal Rule of Bankruptcy Procedure 4004(b)(1), “[o]n motion of any party in interest, after notice and hearing, the court may for cause extend the time to object to discharge the motion shall be filed before the time [to object] has expired.” FED. R. BANKR. P. 4004(b)(1). In a chapter 7 case, a complaint or motion to object to discharge must be filed no later than sixty (60) days after the first date set for the 341 Meeting. FED. R. BANKR. P. 4004(a).

2. In this Case, the deadline to object to discharge has been set for July 1, 2022. Pursuant to

Trustee's *Second Motion for Extension of Time to Object to Discharge* ("Motion") [Doc. No. 190], the Trustee now requests a second extension of time to object to discharge to be extended to August 5, 2022. This Motion is timely as it is filed before the time to object to discharge has expired.

3. Builders West also respectfully requests that the Court enter the proposed order attached to this Joinder, so that the time fixed for filing an objection to the Debtor's discharge may be made pursuant to 11 U.S.C. § 727 and/or § 523, and R. Bankr. P. 4004 for the Trustee, United States Trustee, and all creditors.

**WHEREFORE**, Builders West, Inc. prays that the Court: (i) enter the proposed order attached hereto; (ii) extend the deadline to object to the Debtor's discharge to August 5, 2022, pursuant to 11 U.S.C. § 727 and § 523, and R. Bankr. P. 4004, for the Trustee, United States Trustee, and all creditors; and (iii) for any other relief Builders West is entitled to in law or equity.

Date: July 1, 2022

Respectfully submitted,

**BAIR HILTY, P.C.**

/s/ Dale R. Mellencamp  
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**ATTORNEY FOR BUILDERS WEST, INC.**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing has been served on all necessary parties in accordance with FRBP 2002 on this date the July 1, 2022, via CM/ECF to all parties authorized to receive electronic notice in this case.

*/s/ Dale R. Mellencamp*

Dale R. Mellencamp

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